UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA FORT WAYNE DIVISION

UNITED STATES OF AMERICA)	
)	
V.)	CAUSE NO. 1:09-CR-20
)	
STEPHANY K McDAVID)	

FINDINGS AND RECOMMENDATION OF THE MAGISTRATE JUDGE UPON A PLEA OF GUILTY

TO: THE HONORABLE WILLIAM C. LEE, JUDGE, UNITED STATES DISTRICT COURT

Upon Defendant's request to enter a plea of guilty pursuant to Rule 11 of the Federal Rules of Criminal Procedure, this matter came on for hearing before U.S. Magistrate Roger B. Cosbey, on February 17, 2009, with the written consents of the defendant, counsel for the defendant, and counsel for the United States of America. The Defendant waived in open Court prosecution by indictment and consented that the proceedings may be by information rather than by indictment.

The hearing on defendant's plea of guilty was in full compliance with Rule 11, Federal Rules of Criminal Procedure, before the Magistrate Judge in open court and on the record.

In consideration of that hearing and the statements made by the defendant under oath on the record and in the presence of counsel, the remarks of the Assistant United States Attorney and of counsel for defendant,

I FIND as follows:

- (1) that defendant understands the nature of the charge against her to which the plea is offered;
 - (2) that the defendant's waiver of indictment is knowing and voluntary;
 - (3) that the defendant understands her right to trial by jury, to persist in her plea of not guilty,

to the assistance of counsel at trial, to confront and cross-examine adverse witnesses, and her right

against compelled self-incrimination;

(4) that the defendant understands what the maximum possible sentence is, including the

effect of the supervised release term, and defendant understands that the sentencing guidelines apply

and that the Court may depart from those guidelines under some circumstances;

(5) that the plea of guilty by the defendant has been knowingly and voluntarily made and is

not the result of force or threats or of promises apart from the plea agreement between the parties;

(6) that defendant is competent to plead guilty;

(7) that the defendant understands that her answers may later be used against her in a

prosecution for perjury or false statement;

(8) that there is a factual basis for the defendant's plea; and further,

I RECOMMEND that the Court accept both the defendant's waiver of indictment and plea

of guilty and that the Defendant be adjudged guilty of the offense charged in the Information and

have sentence imposed. A Presentence Report has been ordered. Should this Report and

Recommendation be accepted and the Defendant adjudged guilty, sentencing has been scheduled

for May 22, 2009, at 9:30 a.m., before Judge William C. Lee. Objections to the Findings and

Recommendation are waived unless filed and served within ten (10) days. 28 U.S.C. § 636(b)(1)(B);

Fed. R. Crim. P. 59; L.R. 72.1(d)(2).

DATED this 17th day of February, 2009.

S/ Roger B. Cosbey

Roger B. Cosbey

United States Magistrate Judge

2